

Decision Memo

Blanchard Springs Recreation Complex Utility Replacement Project: Emergency Action to Replace Electric Utility Line

**Region 8, Forest Service, U.S. Department of Agriculture
Sylamore Ranger District, Ozark-St. Francis National Forests
Stone County, AR**

Background

High volume and rapid flow of water caused by a 2019 flood event resulted in debris striking and breaking a 50-year old sewage line which spans the width of North Sylamore Creek's channel. Extensive scouring also exposed the electrical conduit housing high voltage line within the stream banks. The sewage line received a temporary repair so that processes required by the National Environmental Policy Act (NEPA), National Historic Preservation Act and the Wild and Scenic Rivers Act could be completed, and a more permanent repair could be implemented.

However, on March 15, 2021, a heavy rain event again resulted in high volume and rapid flow which carried a tree downstream and into the exposed lines. The sewage line sustained additional damage and has been repaired to prevent waste from entering the creek, but the electrical conduit was ripped away leaving high voltage line exposed and creating an electrocution hazard. The electric service is needed to provide power to sewage lift stations for campground and day use area restrooms. Following inspection by Entergy Arkansas, it was determined electrical service to the campground and day use area must be completely shut down until the electric conduit and line are replaced and properly secured.

Immediate action to replace the damaged electrical line and conduit is needed to eliminate the electrocution hazard.

Decision

My decision is to authorize the emergency replacement of the electrical conduit and line within the portion of an existing utility corridor crossing North Sylamore Creek in the Blanchard Springs Recreation Complex.

Between 1200 and 1400 feet of damaged electrical line and conduit would be removed and new underground line and conduit would be installed. To ensure the new line would not be impacted by future flood events and debris strikes, the new electrical line and

conduit will be routed through a four-inch tunnel to be bored through bedrock approximately six-to-eight feet beneath the streambed. The bored route will begin on the north side of the stream approximately 65 feet above the existing electrical vault; it will terminate on the surface of the south side of the stream approximately 320 feet from the channel where a new electrical vault will be installed.

Connected activities include installation of a 0.15-mile temporary road and mastication of woody vegetation and debris to facilitate access of the boring equipment to the project area. Tree removal within the project area may also be necessary but will be limited to only that essential to the work to be done. To decrease the velocity of stormwater flowing off the hill above the south side and to reduce the potential for undercutting and erosion, reinforced concrete will be placed over approximately three feet of exposed electrical conduit near the wastewater treatment plant. The concrete will be sloped to allow stormwater to flow over it, and native stone will be emplaced on the downstream side of the concrete encasement to help release the energy.

All ground-disturbing work shall be limited to outside the Ordinary High-Water Mark of North Sylamore Creek. No rip rap will be utilized and no changes to the stream banks will be made.

Should any actions inadvertently uncover a previously unrecorded archaeological site or object(s), work would be halted, and the appropriate authorities would be notified. Activities at that location would not resume until the resource is adequately protected and agreed-upon mitigations are implemented with State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer approvals. Ozark-St. Francis National Forests Heritage staff shall be on-site to monitor the operation.

All work shall be subject to USFS inspection and approval. Clean-up and restoration of the site shall be required once the work is complete.

During implementation of this action, North Sylamore Creek Trail will be closed between the Allison and Blanchard trailheads.

The Blanchard Springs Campground and Day-Use Area will be closed to the public until this work is completed.

All activities required to complete this action shall be conducted in accordance with applicable requirements of the 2005 Revised Ozark-St. Francis National Forests Land and Resource Management Plan (Forest Plan), as well as any applicable federal, state, and local laws, regulations and policies.

Categorical Exclusion from Documentation in an Environmental Assessment or and Environmental Impact Statement

This action fits a category of actions excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). Specifically, the applicable category of actions is found at 36 CFR § 220.6(e)(2)(i): *“Additional construction or reconstruction of existing telephone or utility lines in a designated corridor. Examples include but are not limited to: (i) Replacing an underground cable trunk and adding additional phone lines.* The Council of Environmental Quality (CEQ) has determined that the categorical exclusions contained in agency NEPA procedures as of September 14, 2020, are consistent with the new CEQ regulations [Federal Register / Vol. 85, No. 224 / page 73622 / Thursday, November 19, 2020].

I find there are no extraordinary circumstances that would preclude use of this category of actions. In reaching this finding, I took into account the reasonable and foreseeable effects to resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist.

Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species –At this time, no designated critical habitat as defined by the Endangered Species Act (ESA), no species proposed for federal listing and no proposed critical habitat occur on the Sylamore Ranger District.

The project area was surveyed for federally listed and USFS Regional Forester’s (Region 8) sensitive listed species known to occur or with potential to occur on the Sylamore Ranger District. The originally scoped location of the temporary road was modified to avoid a population of Ozark cornsalad (*Valerianella ozarkana*) found during the surveys. A Biological Assessment and Evaluation (BA/E) was completed for this action. The BA/E considers all federally Threatened and Endangered (T&E) species (27 total) and all species identified as Sensitive (43 total) by the Regional Forester (USFS Region 8) that are known to occur or have potential to occur on the Ozark-St. Francis National Forests. Twenty-two federally listed species and 23 Regional Forester’s sensitive listed species were eliminated from further consideration in the BA/E because 1) they do not occur on the Forests, and there is a lack of suitable habitat in the analysis area, 2) their known distribution is well outside the counties that make up the Sylamore Ranger District; 3) they were not found during surveys in the project area, and/or they are not known to occur within the project area. The proposed action will have “no effect” on those federal listed species and “no impact” on those Regional Forester’s sensitive listed species.

The effects of the action were fully analyzed for the remaining five federally listed species and 20 Regional Forester’s sensitive listed species due to their known occurrence on the Sylamore Ranger District or their potential for occurrence due to the presence of suitable habitat on the District and records nearby. The BA/E concludes that for the

federally listed and USFS Regional Forester's (Region 8) sensitive listed species known to occur or with potential to occur on the Sylamore Ranger District, there is no potential for change in suitable habitat for any threatened, endangered or Regional Forester's (Region 8) sensitive listed species relevant to this action. Neither is the action expected to alter current terrestrial or aquatic habitat conditions and use of the project area as described would not impact any habitat that might be used in future recovery efforts.

The determination of effect or findings of impact for individual species are as follows. Rationale for all effect determinations and findings of impact is documented in the BA/E.

Species	Determination of Effect or Finding of Impact
Gray bat, Ozark big-eared bat, Hell Creek Cave crayfish	No effect
Northern long-eared bat, Indiana bat	May affect, and is likely to adversely affect
Bald eagle, Henslow's sparrow, Southern cavefish, Southern lady's slipper, Newton's larkspur, Butternut, Ozark least trillium	No impact
Eastern small-footed bat, Tri-colored bat, Monarch butterfly, Nearctic paduniellan caddisfly, <i>Lirceus bicuspidatus</i> (an isopod), Ozark chinquapin, Glade larkspur, Open-ground draba, Church's wildrye, Ovate leaf catchfly, Royal catchfly, Ozark spiderwort, Ozark cornsalad	May impact individuals but [is] not likely to cause a trend to federal listing or a loss of viability

With respect to the "may affect, and is likely to adversely affect" determination for the Northern long-eared bat, there are no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016, signed by Lynn Lewis. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the Forest Plan, the description of the Proposed Action in the programmatic biological opinion, and activities that do not require special exemption from taking prohibitions applicable to the Northern long-eared bat; therefore, the programmatic biological opinion satisfies the Forest Service's responsibilities under ESA section 7(a)(2) relative to the Northern long-eared bat for this project.

Regarding the "may affect and is likely to adversely affect" determination for the Indiana bat, although the likelihood is very low, the project may result in an inadvertent disturbance or loss of Indiana bats if they are present during project activities. Because actions include possibly removing some trees, if these trees are occupied by Indiana bats at the time of felling, they could be disturbed or perish. The project is located within the secondary management zone for Indiana bats and tree removal may occur at any time during the year. The project will have a "may affect, likely to adversely affect Indiana

bats” determination based on the programmatic biological opinion (BO) on the Implementation of the Revised Land and Resource Management Plan for the Ozark-St. Francis National Forests, dated May 7, 2020, signed by Melvin Tobin. The Effects Pathway 6 in the BO indicates that tree removal within the secondary zone will have insignificant effects to the species. This project is consistent with the Forest Plan amendment signed into effect on March 17, 2021 and will not have effects at the recovery unit level for Indiana bats and will not jeopardize the continued existence of the Indiana bat.

Flood plains, wetlands, or municipal watersheds – Implementation of applicable Best Management Practices is required for this and all actions conducted on the Ozark-St. Francis National Forests. The activities of this project occur within the riparian area of North Sylamore Creek and within the municipal watershed for Mountain View Waterworks. A few trees could be felled, and some vegetation masticated to facilitate access of equipment to the site, but roots will remain intact to hold soils in place. Because the action is limited in scope, intensity and duration, no detrimental impacts to floodplain function or wetlands on NFS lands and no measurable effects to the municipal watershed for Mountain View Waterworks are expected.

Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None of the project area is designated as wilderness, wilderness study areas, scenic byway corridor or national recreation areas.

All surface ground disturbance would occur outside the Ordinary High-Water Mark for North Sylamore Creek. The project is located within Management Area 1.C: Designated Wild and Scenic River Corridors (scenic sections) as delineated by the Forest Plan. The action was evaluated against and found to be consistent with the 1996 Comprehensive Management Plan for North Sylamore Creek Wild and Scenic River (NSC Management Plan) which requires compliance with health and safety regulations within developed recreation areas. The project involves replacement of utility lines within the existing utility corridor; it does not involve designation of any new utility corridor. Impacts to scenery would be limited to temporary changes in vegetation to facilitate equipment access. These impacts would last only until new growth reclaims disturbed areas. Protection of public health and safety outweighs any temporary, negative impacts to scenery that may result from this action. A beneficial effect is that the currently exposed utility line will no longer be visible to the public after the project is implemented.

The analysis process outlined in Section 7a of the Wild and Scenic Rivers Act has been followed for this project. The analysis concludes that when the utilities are installed beneath the stream channel as described, there will be no impacts to the outstandingly remarkable values for which the stream was designated (i.e. recreational, fish and wildlife, and botanical) or the stream’s free-flowing condition. The Section 7a analysis has been submitted to the Regional (USFS Region 8) Wilderness and Wild & Scenic River Program Manager for a final review and approval by the Regional Forester.

Inventoried roadless areas or potential wilderness areas – None are present in the project area; therefore, no impacts are expected.

Research natural areas – None are present in the project area; therefore, no impacts are expected.

American Indians and Alaska Native religious or cultural sites and Archaeological sites, or historic properties or areas –Existing records were searched and surveys for heritage properties within the project area and heritage surveys were conducted. There are known heritage properties near but none within the area of potential effect. Nonetheless, it is recognized heritage properties and their components may be undetected for a variety of reasons. At least one member of the Forests' heritage staff will be on-site to monitor the operation. The project's design elements require work to be halted if any action inadvertently uncovers a previously unrecorded archaeological site or object(s) and immediate notification of same to the appropriate authorities. Work would not resume until the resource is adequately protected and agreed-upon mitigations are implemented with SHPO and Tribal Historic Preservation Officer(s) approval.

The State Historic Preservation Office provided concurrence (dated August 13, 2020) that no known historic properties would be affected by the undertaking; however, the consultation process outlined in Section 106 of the National Historic Preservation Act is still ongoing. Because the damaged electrical line poses an imminent threat to the public's safety, immediate remedial action must be implemented and a post-activity cultural resources report for this activity will be submitted to the State Historic Preservation Officer and Tribal partners with interest in Stone County.

Public Involvement

On April 24, 2020, scoping notices for the *Blanchard Springs Recreation Area Complex Utility Line Replacement Project* were mailed or e-mailed to 1) Native American Tribal leaders and the respective Tribes Historic Preservation Offices; 2) other agencies and government officials, and 3) those who have asked to be notified when all projects are proposed. Scoping notices included a letter describing the Proposed Action and requesting comment as well as a vicinity map. The scoping notice was also posted to the Ozark-St. Francis National Forests' project webpage at that time.

A total of six comments have been received to date; none of these raised issues that warranted preparation of an Environmental Assessment or Environmental Impact Statement.

A complete list of those to whom letters were mailed via USPS or electronically as well as the comments received are part of the project record.



Findings Required by Other Laws and Regulations

This action does not violate or threaten to violate any federal, state, or local laws or regulations. This decision is consistent with direction outlined in the Forest Plan and the NSC Management Plan. It responds to the project's purpose of and need for action to 1) provide for the safety of those recreating at the Blanchard Springs recreation area complex; 2) protect and enhance the outstandingly remarkable values of the North Sylamore Creek Scenic River; 3) bring existing utility installations to code, and 4) ensure functional bathrooms continue to be provided for visitors.

Administrative Review Opportunities

Decisions that are categorically excluded from documentation in an environmental assessment or environmental impact statement are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).

Implementation Date

This decision may be implemented immediately. It is limited to the replacement of the high voltage electrical line and conduit within the project area.

Contact

For additional information concerning this decision, contact Recreation Operations Specialist Shane Avey at 870-757-2211 extension 2212 or william.s.avey@usda.gov.

LORI D. WOOD
Forest Supervisor

4/19/2021
Date



SDA NON-DISCRIMINATION POLICY STATEMENT

DR 4300.003 USDA Equal Opportunity Public Notification Policy (June 2, 2015)

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